

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF )  
VIRGIL L. ADAMS, )  
 )  
Appellant, )  
 )  
vs. )  
 )  
STATE OF WASHINGTON, )  
DEPARTMENT OF ECOLOGY, )  
 )  
Respondent. )

PCHB No. 78

FINDINGS OF FACT  
AND CONCLUSION

This matter, the appeal by the appellant from the refusal by the Department of Ecology to approve a proposed sewage collection and treatment system at Kamilche Point, Mason County, came on for hearing before all members of the Pollution Control Hearings Board in the conference room of the Department of Ecology at St. Martin's College, Lacey, on March 20 and 21, 1972.

Appellant was represented by his attorney, Ernest L. Meyer, and the respondent appeared through its counsel, Charles W. Lean, Assistant Attorney General.

1 Witnesses on behalf of both appellant and respondent were sworn  
2 and testified, and exhibits were admitted. Counsel later filed written  
3 arguments.

4 From the testimony presented and exhibits introduced, the Pollution  
5 Control Hearings Board makes the following

6 FINDINGS OF FACT

7 I.

8 The appellant is the owner of a tract of land in Mason County which  
9 he purchased in July, 1968 for one hundred forty-five thousand dollars  
10 (\$145,000). The property is approximately forty acres in size, and is  
11 part of the platted Town of Kamilche.

12 II.

13 Since purchasing the property, the appellant has spent an addition  
14 \$35,000 for improvement of the land; about \$7,000 for engineering design  
15 and consultation in connection with the sewage disposal plant and an  
16 unspecified amount for legal services arising from this appeal.

17 III.

18 The property in question borders on Little Skookum Inlet, hereafter  
19 referred to as Skookum Inlet, one of the most productive shellfish areas  
20 in South Puget Sound.

21 IV.

22 Any contamination of the shellfish in Skookum Inlet by pathogenic  
23 matter would destroy their marketability.

24 V.

25 If the appellant's property referred to in Finding I is to be use'  
26 for residential purposes, a method of sewage disposal must be devised

27 FINDINGS OF FACT  
AND CONCLUSION

1 which will adequately protect shellfish in Skookum Inlet from  
2 contamination.

3 VI.

4 The Department of Social and Health Services exercises sanitary  
5 control of shellfish pursuant to Chapter 69.30 RCW, and should on proper  
6 application be able to advise the Department of Ecology and/or the  
7 appellant under what terms and conditions, if at all, it would approve  
8 a sewage disposal plant to be developed which would adequately serve  
9 property owned by the appellant.

10 VII.

11 The Department of Ecology has the responsibility and authority on  
12 proper application by the appellant and after consultation with the  
Department of Social and Health Services to advise the appellant under  
14 what terms and conditions if at all, a sewage disposal plant could be  
15 developed which would adequately serve the property owned by the  
16 appellant.

17 CONCLUSION

18 Our only Conclusion is that if, in modern parlance there is "no  
19 way" in which the sewage from appellant's property can be disposed of with-  
20 out endangering shellfish in the Kamilche area, he should be <sup>so advised</sup> (and should  
21 have been so advised when he made his first inquiry) and if there are  
22 terms and conditions under which sewage disposal would be acceptable, he  
23 should be advised of those terms and conditions, so that he could  
24 determine whether they <sup>are</sup> ~~were~~ economically feasible for him.

25  
26 FINDINGS OF FACT  
27 AND CONCLUSION

1 DONE at Olympia, Washington this 5th day of December, 1972.

2 POLLUTION CONTROL HEARINGS BOARD

3 Walt Woodward  
4 WALT WOODWARD, Chairman

5 Matthew W. Hill  
6 MATTHEW W. HILL, Member

7 James T. Sheehy  
8 JAMES T. SHEEHY, Member  
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26 FINDINGS OF FACT  
27 AND CONCLUSION